

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HEATHER RHODES, Individually,
and as Adoptive Mother and Next Friend
of C.R., a minor

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2:16-cv-195-KS-MTP

LAMAR COUNTY SCHOOL DISTRICT,
TONYA CRAFT, Individually; and
JOHN or JANE DOES 1-10

DEFENDANTS

JOINT MOTION FOR CONTINUANCE OF PRE-TRIAL CONFERENCE AND TRIAL

COME NOW the Plaintiff, Heather Rhodes, Individually, and as Adoptive Mother and Next Friend of C.R., a minor, by and through their attorneys of record, and Defendants, the Lamar County School District and Tonya Craft, by and through their attorneys of record, and would move this Court for a continuance of the pre-trial conference and trial in this matter, and in support thereof, would respectfully show unto the Court as follows:

1. This matter is presently set for a Pre-Trial Conference on July 19, 2018 [Doc. 64].

A jury trial for this action is set for the two-week civil calendar beginning August 6, 2018.

2. The parties have agreed to resolve this matter through settlement. However, as the claims of a minor are involved, Chancery Court approval of the settlement if required to finalize the resolution of this matter as agreed by the parties. See Miss. Code Ann. §93-13-59.

3. The parties jointly request a continuance of the Pre-Trial Conference and Trial set in this matter to allow the parties sufficient time to present these matters to the Chancery Court and obtain the requisite approval. The parties believe that a reasonable time to complete the process will be approximately 30 days.

4. This Court previously granted the parties a continuance of the Pre-Trial Conference and Trial. [Doc. 64]. The parties initially believed that obtaining approval of the settlement could be reasonably completed by the time of the Pre-Trial Conference as set on July 19, 2018. However, circumstances have developed requiring additional time to present this matter for the Chancery Court's consideration. The parties have worked together to establish a Guardianship for the minor, and such Guardianship has been established by Order of the Chancery Court of Perry County, Mississippi. The parties have also worked together to draft a Petition to Settle Minor's Claim for presentation to the Chancery Court. A hearing was set for July 5, 2018, for the Chancery Court to consider the proposed settlement. However, a potential Medicaid issue developed, and it was determined that approval from the Mississippi Division of Medicaid had to be obtained, necessitating cancellation of the previously set July 5, 2018 hearing. The Medicaid issue has now been satisfactorily addressed, but due to the Bar Convention and other matters effecting the Chancery Court's schedule, the assigned Chancellor did not have any available hearing dates from July 9, through July 20, 2018.

WHEREFORE, based upon the foregoing, the parties jointly request a continuance of the Pre-Trial Conference presently set in this matter, and a continuance of the trial date, to allow for sufficient time to present the settlement of this matter to the Chancery Court for consideration and approval. The parties further request all such other and additional relief to which this Court deems they are entitled in the interest of justice.

DATE: July 17, 2017.

Respectfully submitted,
**HEATHER RHODES, Individually, and as
Adoptive Mother and Next Friend of C.R., a
minor**

BY: s/Courtney P. Wilson
COURTNEY P. WILSON (MSB # 103531)

and

**LAMAR COUNTY SCHOOL DISTRICT and
TONYA CRAFT, Defendants**

/s/Kris A. Powell
Kris A. Powell, MSB No. 101458

CERTIFICATE OF SERVICE

I, COURTNEY P. WILSON, do hereby certify that I electronically filed the above and foregoing *Motion for Continuance of Pre-Trial Conference and Trial* with the Clerk of the Court utilizing the ECF system, which provides notification of said filing to the following:

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SO CERTIFIED on this the 17th day of July, 2018.

s/Courtney P. Wilson
COURTNEY P. WILSON

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